

## Chapter XXIV

### Used Oil

#### A. GENERAL.

1. Before used oil is turned in to the DRMO, the generating activity is required to properly identify the hazardous components. A determination must be made that the used oil is either Hazardous Waste (HW) or Hazardous Material (HM). DRMOs overseas will determine whether used oil is HW by consulting the definitions of HW and used oil in their Final Governing Standards (FGSs), and process the used oil within the FGS guidelines. DRMOs overseas will require the submission of Hazardous Waste Profile Sheets (HWPS) in order to document the classification of their used oil.

2. Generating activities must provide a DRMS Form 1930, Hazardous Waste Profile Sheet (HWPS) or substitute form for the turn-in of HW and used HM. This requirement is based on the definition of a hazardous waste when discarded, as provided in 40 CFR Part 261 (DoD 4160.21 M, Chapter 10, Paragraph D2a(1) and (2) and revised by DRMS Letter No. 91-6.) However, because used oil is uniquely regulated under 40 CFR Part 279, the information required for turn-in depends on the intended use of the oil, i.e., whether it is recycled, burned for energy recovery, or discarded. The following provisions apply to used oil:

a. Used oil burned for energy recovery, is exempt from regulation as a hazardous waste fuel under 40 CFR Part 266 (subpart H) when it is a HW solely because it exhibits a characteristic of HW as identified in 40 CFR 261.20. This used oil is subject to regulation under 40 CFR 279.10.

b. When used oil exhibits a characteristic of HW, is mixed with a listed HW, or has a total halogen count of more than 1,000 ppm, and is disposed of by means other than recycling, it be-

comes a HW and is subject to RCRA HW regulations.

3. The following applies to mixtures:

a. Used oil mixed with a listed HW is subject to RCRA HW regulations regardless of whether it is recycled or sent to a disposal facility (40 CFR 279.10(b)(1)).

b. If a used oil mixture does not exhibit any characteristic of a HW, it is under 40 CFR 279.10(b)(2).

c. Used oil mixed with a waste which is HW solely because it exhibits the characteristic of ignitability, but the mixture does not exhibit the characteristic of ignitability, is also regulated as used oil (40 CFR 279.10(b)(2)(iii)).

4. When it is determined that a HWPS is required, the generating activity has the option to employ user knowledge and ensure supporting documentation is attached. To avoid costly sampling/analysis the generating activity may use composite sampling as a cost-saving alternative.

5. The EPA Standard for the Management of Used Oil and DRMS procedures for compliance with 40 CFR Part 279 are provided at Enclosure 1. These management standards for used oil were effective 8 Mar 93 in states without final RCRA authorization. These states include: Alaska, Hawaii, and Iowa. States with RCRA authorization were required to adopt equivalent or more stringent standards by 1 Jul 94; if a change in state law is needed the deadline date was Jul 95. DRMOs should check with their state regulatory agency to determine the status of the used oil management standards where they are located.

#### B. IDENTIFICATION OF USED OIL FOR TURN-IN.

1. To assure used oil is properly identified, ask the generating activity the following sequence of questions. If the generating activity cannot answer these questions, he cannot properly identify the hazardous components of his turn-in and the property should be rejected.

a. Has the used oil been mixed with a listed HW as specified in 40 CFR 261.31, 261.32, 261.33, or host country regulations?

(1) If the answer is yes, the receipt should be treated as HW (Reference: DRMS-I 6050.1, Chapter XI, Paragraph B1 and all requirements of DoD 4160.21-M, Chapter 10).

(2) If the answer is no, proceed to the next question.

b. Has the used oil been mixed with a characteristic waste as specified in 40 CFR 261.20 or a HW listed in 40 CFR 261.31, 261.32, 261.33 (solely because it exhibits a characteristic of HW) or a HW based on host country regulations?

(1) If the answer is yes, the oil should be treated as a HW, if the resultant mixture exhibits any of the characteristics of HW as specified in 40 CFR 261.20;

(2) If the answer is yes, but the resultant mixture does not exhibit any of the characteristics of HW as identified in 40 CFR 261.20, it is regulated as used oil;

(3) If the answer is yes, but the mixture is a HW solely because it exhibits the characteristic of ignitability, and the resultant mixture does not exhibit the characteristic of ignitability, it is regulated as used oil.

**NOTE:** For examples see Enclosure 1 to this chapter.

(4) If the answer is no, proceed to the next question.

c. Does the used oil have total halogens greater than 1,000 ppm?

(1) If the answer is yes, the receipt should be treated as HW unless the generating activity provides documentation listed in 40 CFR Part

279.10(b)(1)(ii) to rebut this assumption. Otherwise, the requirements of DoD 4160.21-M, Chapter 10 apply.

(2) If the answer is no, receive as HM. Please note the following:

- When used oil is RTDS for recycling (other than burned for energy recovery), it is subject to 40 CFR 261.6(a)(4) and 40 CFR 279.

- When used oil is RTDS for energy recovery, it is defined as a used oil fuel and is subject to the requirements of 40 CFR 279, Subpart G. Refer to DRMS-I 4160.14 Volume V for information on selling used oil.

d. Information needed from the generating activity to process used oil for RTDS consists only of the following:

(1) **Flash point.** If the flash point is less than 140 degrees Fahrenheit, we need to know why; i.e., a low flash point may indicate that the used oil has been mixed with a HW. If the generating activity cannot give you documentation to show why the flash point is low, you should treat the used oil as HW and request a HWPS.

(2) **Total halogens** (see paragraphs B1c(1) and (2) above).

(3) A waste analysis or other information may be useful for RTDS, but should not be a turn-in requirement.

## C. REQUIREMENTS FOR MARKETERS OF USED OIL.

### 1. Definition of Marketer (40 CFR 279.1).

a. Marketers include:

(1) Generating activities who sell used oil directly to a burner.

(2) Persons who receive used oil from a generating activity and produce, process, blend used oil fuel.

(3) Persons who distribute used oil fuel.

b. Marketers do not include used oil generating activities and collectors unless they market it directly to a burner.

c. In processing used oil, DRMS would not usually meet the definition of a marketer; we would, however, be considered a marketer in the event we sold used oil directly to a burner.

2. The requirements of 40 CFR 279.70 apply only to marketers of used oil. There are no RCRA requirements for the RTDS of used oil by those persons not meeting the regulatory definition of a marketer. Marketers are subject to the following requirements based on whether or not the used oil meets "specification".

**NOTE:** Used oil is regulated by DOT if it meets the definition of a combustible or flammable liquid.

a. "Specification used oil" is used oil burned for energy recovery that does not exceed the allowable levels of any of the constituents/properties listed on 40 CFR 279.11. Requirements:

(1) Obtain analysis or other information to document that the used oil meets the specification.

(2) Maintain an operating log on shipments of used oil to include:

- Name and address of facility receiving the shipment.
- The quantity of used oil fuel delivered.
- The date of shipment or delivery.
- A cross-reference to the record of analysis (or other information used to make the determination that the oil meets the specification).

(3) Keep the above records 3 years.

b. "Off-specification used oil" is used oil burned for energy recovery that exceeds the allowable levels of any of the constituents/properties listed in 40 CFR 279.11. Requirements:

(1) Obtain notice from burner or other marketer that:

- He has notified EPA of the location and description of used oil activities and has an EPA identification number.

**NOTE:** This does not apply to overseas DRMOs.

- If a burner, he will only burn the used oil in an industrial furnace or boiler identified in 40 CFR 279.61(a).

(2) Notify EPA of used oil management activities.

(3) Utilize an invoice system for the shipment of used oil which includes the following:

- Invoice number.
- EPA ID numbers of shipper and facility receiving used oil.
- Names and address of shipping and receiving facilities.
- Quantity of off-specification used oil delivered.
- Date(s) of shipment/delivery.

(4) Keep copies of invoices and notices for 3 years.

3. Refer to DRMS-I 4160.14, Volume V for additional information on sales of used oil products.

## **D. REQUIREMENTS FOR USED OIL FILTERS.**

1. Non-terne plated used oil filters that are not mixed with wastes listed in subpart D of 40 CFR 261 are excluded under 40 CFR 261.4(b)(13), if the oil filters have been gravity hot-drained using one of the following methods:

- a. Puncturing the filter anti-drain back valve or the filter dome end and hot-draining.
- b. Hot-draining and crushing;
- c. Dismantling and hot-draining; or,
- d. Any other equivalent hot-draining method that will remove used oil.

2. Terne plated oil filters are not included in the exemption and require a HW determination prior to disposal in a landfill. Other types of filters, such as fuel filter, transmission oil filters or specialty filters (such as cloth railroad oil filters) are also not included in the exemption.

## **E. REFRIGERANT CONTAMINATED COMPRESSOR OIL.**

1. Refrigerant-contaminated compressor oil from refrigerated equipment may contain residual halogenated substances that cause it to exceed 4,000 ppm CFC concentrations.

2. Presently, USEPA does not require that the halogenated substances be recovered from refrigerant-contaminated compressor oil to comply with the refrigerant recycling rule, although such requirements could be issued in the future.

3. The high concentrations of these halogenated substances, however, places the management of residual compressor oil as a waste subject to the Resource Conservation and Recovery Act (RCRA), which establishes requirements on the handling, storage and disposal of used oil contaminated with halogenated compounds.

4. Refrigerant-contaminated compressor oil will be managed under RCRA, Rebuttable Presumption for Used Oil, as outlined at 40 CFR Parts 179.10(b)(ii)(B) and 279.44(c)(2) and (d). Note that:

- a. The regulation exempts from the “rebuttable presumption” refrigerant-contaminated compressor oil removed from refrigeration equipment **only** with refrigerants (CFCs) and **not**

**mixed** with used oil from other sources, if the CFCs are destined for reclamation.

- b. If the CFCs in the compressor are not destined for reclamation, manage the oil as a hazardous waste.

- c. The “rebuttal presumption” does apply to used oils contaminated with CFCs that have been mixed with used oil from sources other than refrigeration units.